IMPEACHMENT.

Trial of President Andrew Johnson for High Crimes and Misdemeanors.

Continuation of Mr. Evarts Argument.

An Able Refutation of the Charges.

DEFENCE OF FREEDOM OF SPEECH.

WASHINGTON, April 30, 1868. For the past few days the impeachment trial has been really interesting. In the mornings some lively order or resolution has been introduced, and by this preliminary species of exhilaration the great speech of Mr. Evarts—the one which, linked with Judge be received with additional relish.

Mr. Evarts to-day intensified the impression he had previously made as a speaker. His style is remarkably fluent, sharp-cut and sparkling, and could scarcely retain a hold so long on the attention of so large and critical an audience unless the force and mess of his remarks were more than usually striking. His arguments to-day covered a great deal of ground; they overlapped the very diffusive enes of the Managers, rolling them inward to a given centre from numerous points on the wide circumference of this debate, and then, putting his shoulder to the eleventh or bottom article of the series, he t the entire inwards till he formed a perfect pyramid of combustible sophistries, legal crotchets, claptrap arguments and no end of inflammable fatal fuse, he set the whole superstructure of the Radical Managers in a blaze, when a ndous conflagration ensued, the flames his sing and crackling with alarming effect. He riatim-Stevens, Boutwell, Wilson, Butler and Bingham-and held them in the blaze till they were orched to a wholesome extent. Manager Butle fared the worse, and showed in his countenance the fearful ravages of the tongue of fire that licked him all around and over. Manager Bingmam squirmed, but bore it like a martyr; and if Old Thad Stevens

A considerable majority of the Senators seemed rather pleased at the incendiary work of Mr. Evarts. The performance, at the least, was brilliant, and could not fail to extort admiration even from whose interests were imperilled or whose prejudices were overriden. But the conflagration did not stop to-day. It will continue to-morrow. the edifice of impeachment are borned out past

day, and one of them (Mr. Conness, of Cattornia bas not made his appearance since Friday.

liver his argument. His benith has so far recovered that he feels he will be able to undergo the task of

PROCEEDINGS OF THE COURT.

Twenty-seventh Day.

UNITED STATES SENATE CHAMBER, WASHINGTON, D. C., April 36, 1868. }
After the reading of the journal Mr. Summer's reorder of business, and after Mr. Nelson had made ome remarks disowning any intentional disrespect for the Senate, but admitting that he referred to a duel in what he said, Mr. Johnson moved to lay the esolution on the table, which was agreed to by a

Mr. Cameron's order for night sessions was then considered.

Mr. Suwage offered to amend by making the hours from ten o'clock A. M. to six P. M.

On the motion of Mr. TRUMBULL the whole subject ras tabled by a vote of 32 to 17. MR. EVARTS' ARGUMENT. Mr. Evarts then resumed his argument. He held that it was a grave reproach upon the wisdom and foresight of the framers of our government to claim would result in monarchy. In his view the danger was to another of the balances of the constitution—namely, the relations of the weight of numbers and the equality of States irrespective of population. From the principles of the constitution and atterances of our most distinguished stateshen it was evident that to make the Senate executive instead of advisory was to rob the people's majority of their rightful power. In this manner the small and thinly populated States would control the working of the government against the will of those which cast the overwhelming majority votes, and the Presidential election would become a farce. In support of this position he quoted the writings of the elder Adams, Sherman and others, and enforced it by considering various emergencies which might arise under the Fenure of Office act, which makes certain offices permanent and would render removal during the session of the Senate extremely difficult, if not impracticable. He proceeded to quote from the debates in the Senate when the bill was under consideration the language of Messra, Williams, Howard and others to show that its effect was to revolutionize the practice of the government, and also quoted expressions to the effect that while the legislative construction had little weight, yet the decision of constitutional questions by the Supreme Court were anthoritative. Mr. Evarts contended, however, that the decisions of the Congress of 1759 were not only anthoritative because continued by the Supreme Court, but carried immense weight of thusseives. He referred to the debates of 1759 as exhaustive of the subject of the power of removal, and claimed that the point at issue was settled and ilmly established then by the famers of the government and by the practice of successive administrations afterwards. He also referred to Mr. Webster's declaration in 1835—that question was settled—and to the endorsement of President Jackson's removal of Duane by the people, the superior power of nil. in this connection Mr. Evarts said:—You ta was to another of the balances of the constitutionnamely, the relations of the weight of numbers and the equality of States irrespective of numbers and feelings towards the Executive? I apprehend, therefore, gentlemen, that this matter of party influence is one which it is quite as well to consider, and that this matter of personal power and authority of character is quite as suitable to be weighed when we are acting as when we are deciding upon the acts of others. Two passages I will be permitted to quote from that great debate as carried on in the Congress of 1789. Mr. Evarts then read from the remarks of Mr. Madison and of Mr. Boudinot in the Congress of 1789, those of the latter being to the effect that the President should not have officers imposed upon him who did not meet his approbation. Mr. Evarts continued:—In these words of Mr. Madison and Mr. Boudinot I find the marrow of the whole controversy. There is no escaping from it. If this body pursues the method now adopted, it must be responsible to the country for the action of the executive department; and if officers are to be maintained, as these wise statesmen say, "over the head of the President," then that power in the constitution which allows him to have a choice in their selection is entirely void. For if his officers are to head of the state of the state of the selection which allows him to have a concers are to selection is entirely void. For if his officers are to be dependent upon instantaneous selections, and if thereafter there can be no space for repellance or for change of purpose on the part of the Extensive tit is able to say that he has the power of appointment. It must be the sower of appointment for which be the beautiful or appointment for which be the beautiful or the say that he has the sower of appointment for which be the beautiful or the say that he has the sower of appointment for which be the beautiful or the same of the s

ble, if he is to be responsible at all. I now wish to ask attention to the op.nions expressed by some of the statesmen who took part in this determination of what the effect, and the important effect, of the conclusion of the Congress of 1780 was. None of them overlooked its importance on one side or the other, and I beg leave to read from the life and works of the elder Adams, volume 1, page 448. Mr. Evarts read from the work in queestion the paragraph giving the history of the question as to the President's power to appoint and remove officers. He also read from a letter of Mr. Fisher Ames to his correspondent, an intelligent lawyer in Boston, in reierence to the same subject, Mr. Evarts then continued:—It will thus be seen, Senators, that the statesmen whom we most revere regarded this as, so to speak, a construction of the constitution as important as the framing of it itself had been; and now the question arises whether a law of Congress has introduced a revolution in the doctrine and in the practice of the government—a legislative construction binding no one and being entitled to no respect from the changeableness of legislative constructions, in the language of the honorable Senator from Oregon; and whether a doubt, whether an act in relation to the constitutionality of that law on the part of the executive department is a ground of impeachment, the doctrine of unconstitutional law seems to be—I speak it with great respect—whelly misunderstood by the honorable Managers in the propositions which they present. Nobody can ever vlotate an unconstitutional fugitive slave bill, enters with the process and the authority of law, it does follow that resistance may be carried to the extent of shooting the marshal of the United States, executing an unconstitutional fugitive slave bill, enters with the process and the authority of law, it does follow that resistance may be carried to the extent of shooting the marshal but it is not because it is a violation of the law shooting but ministerial duties to perform as a chircal rules, determine whether an execution of the law shall be defeated by the assistance of the officers provided for its execution; but if the law bears upon his personal rights or odicial emoluments, then, without a violation of the peace he may raise a question of the law, consistent with all civil and ethical duties. Thus we see at once that we are brought face to face with the fundamental propositions in this case, and I ask your attention to a passage from the Federalist, at page 549, where is a very vigorous discussion by Mr Hamilton of the question of unconstitutional law, and also to the case of Marbury against Madison, I Couch, 175, which I shall beg to include in the report of my remarks. The subject is old, but it is there discussed with a lumilinous wisdom which may well displace the more meonsiderable and loose views which have been presented in debate here. Undoubtedly it is a question of very grave importance now, for the different departments of the Government, legislative, judicial and executive, are not at liberty to act in retailon to unconstitutional laws. Judicial duty may perhaps be pain—to wait for a case, to volunteer no advice, to exercise no supervision; but as between the Legislatine and the Executive even where the Supreme Court has passed upon a question, it is one of the gravest constitutional points for public men to determine, where and how the Legislature may raise the question of the supreme Court, and whether the Executive duty may take the question by undertaking an executive duty made the constitution dealist the determination of Congress. We, in this case, have been accused of the supreme Court and against the determination of Congress. We, in this case, have been accused of the supreme Court and against the determination of Congress. We, in this case, have been accused of the supreme Court and against the determination of Congress. We, in this case, have been accused of the supreme Court and against the determination of Congress. order that the light of the serene wisdom of the Supreme Court may be shed upon it, to the end that Congress even may reconsider its action and retract its encroachments on the constitution. But Senators will not have forgotter. It that central Assessor, in his celebrated controverses with the whig party, channed that no department of the government should receive its final and necessary and perpetual exclusion and conclusion on constitutional questions over the judgment even of the Supreme Court, and that under the obligation of each one's oath, yourselves as Senators, yourselves as Representatives, and the President as Chief Executive, each must act in new juncture or in reference to a new matter arising to raise again the guestion of constitutional authority. Now let me read a short passage, in which General Jackson in his protest sets this forth. I rend from the debate on the fogitive slave law, as conducted in this body in the year 182, when the honorable Senator from Massachusetts (Mr. Sumner) was spokesman and champion of the right of each department of the government to judge of the constitutionality of law and 4f duty:—"But whatever may be the influence of this judgment—that is, the judgment of the Supreme Court in the case of Prigg—as a rule for the judiciary it cannot arrest our duty as legislators. Here I adopt with entire assent the language of President Jackson in his memorable veto in 1832 of the Bank of the United States—"If the opinion of the Supreme Court in the case of Prigg—as a rule for the judiciary it cannot are seen the language of President Jackson in the memorable veto in 1832 of the Bank of the United States—"If the opinion of the supreme Court in the case of Prigg —as a rule for the judiciary it cannot are assent the language of President Jackson in the memorable veto in 1832 of the Bank of the United States—"If the opinion of the supreme Court in the case of Prigg —as a rule for the judiciary it cannot are assent the language of President Jackson in the constitution which may be pre

Senate and of the President to decide on the constitutionality of any bili or resolution which may be presented to them for passage or approval as it is of the supreme Judges when it may be brought before them for judges decision. The authority of the Supreme Caurt must not, therefore, be permitted to control Congress or the Executive, but to have only such influence as the force of their reasoning may deserve. With these authoritative words of Andrew Jackson I dismiss the subject. Now times change and we change with taem; nevertheless principles remain, duties remain. The powers of the government remain. Their coordination remains. The conscience of men remain and everybody who has taken an oath, everybody who is subject to the constitution without taking an oath, by peaceful means has a right to reverse the constitution in derogation of constitutional law; and any legislative law or any judicial authority which shall deny the supremacy of the constitution in its power to protect men who thus conscientionally, thus peacefully raise questions for determination in a conflict between the constitution and the law will not be consistent with the written constitution or with the maintenance of the inherites of the people as established by and dependent on the preservation of a written constitutional and legal rule, the President of the linded states was not the person on whom the Civil Tenuce act operated, not as an executive officer to carry out or the interties of the people as established by and dependent on the preservation of a written constitution. Now let us see whether, on every einical, constitutional and legal rule, the President of the inited States was not the person on whom the Civil Tenure act operated, not as an executive officer to carry out a law, but as one of the co-ordinate departments of the government, over whom in that official relation the authority of the act was sought to be asserted. The language is general!—"Every removal from office contrary to the provisions of this act shall be a high misdemeanor." Who could remove from office but the President of the United States? Who had authority? Who could be governed by the law but hey And it was not an official constitutional duty, not a personal right, not a matter of personal value or choice or interest with him, that he acted. When, therefore, it is sought and claimed that by force of the legislative enactment the President of the United States shall not remove from office whether the act of Congress was constitutional or not, he was absorbedly profibilited from removing from office, although the constitution allowed him to do so. The constitution could not protect him for the act, but that the act of Congress exiging upon him could draw him in here by impeaciment and subject him to Judgment for violating the law, shallough maintaining the constitution, and that the constitution pronounced sentence of condemnation and initiany upon him for having worshipped its authority and sought to maintain it, and that the constitution by the very terms of your judgment and you throw open for the Master of us all in the great debates of an intelligent, instructed, "fearless," practical nation of recemen a division of sentiment to shake this country to its centure. "The omnition for the one side and "the supremacy of the constitution" on the other.

other.

The court at two o'clock took a recess of a quarter of an hour.

On reassembling at thirty-five minutes past two Mr. Evarrs considered the attitude which senators occupy in reference to this subject and said nothing was more abhorrent to the natural sense of justice than that a man should be a judge in his own cause or decide a question which he had already prejudiced. He held that if the Senate in passing the resolution of censure on the 21st of February had pronounced on the subject of the constitutionality of the law as a political action, then they could not now consider it a judicial question. It would be extraordinary, almost inconceivable, to suppose they did not so consider it, with the prospect of having to try the matter, if it were judicial, as a court of impeachment. It could not be possible that they did not regard it as a political question. He reminded them that the largest votes for conviction (Humphrey's) were on the a ticles charging him with having prejudged a case, and allowed a juryman to sit who acknowledged he had formed an opinion. Again, they had an interest in the result. Twenty millions of dollars of the patronage and the powers of the executive office were the prizes offered them for conviction. Their political prejudices, too, he argued, joined with other considerations, cause them to cast out as improper for their decision the charges alleging violation of their own law. Continuing Mr. Evarts said:—Now let me ask you at the outset to let you see how little, as matter of evidence, this case is, Certainly, this President of the United States has been piaced under as trying and as hot a case of political opposition as ever man was forced to the certainly, the President of the United States has been piaced under as trying and as hot a case of political opposition as ever man was forced to the certainly. The court at two o'clock took a recess of a quarter

construction of any of his conduct. Certainly, for two years he has been sifed by all of the most powerful maneuvrng machines that I have ever heard of—the House of Representatives of the United States of America. Certainly the wealth of the nation, certainly the urgency of party, certainly the zeal of political ambition, have pressed into the service of imputation, of inculpation and of proof all that this country affords, all that the power to send for persons and papers includes. They ran none of the risks that attend ordinary proceedings of bringing their witnesses into court to stand the test of examination and cross-examination of an oath and an explanation in advance, and see what they can prove and whom they can bring, and whom they can prove and whom they can bring, and whom they can reject. They can take our witnesses from the stand already under oath, and even those of so great and high a character as the Lieutenant General of your armies, and out of court they try him with a new examination to see whether he shall help or hurt them by being cross-examined in court, using every arm and every art, stayed by no sense except of public duty, nothing to remove their power or control its exercise, and yet here is the evidence. The people of this country have been made to believe that all sorts of ometial misconduct and folly, that all sorts of osurpation and oppression had been practised and executed on the part of this Executive, and was to be explored and exposed by the prosecution, and certainly set down in the records of this court of public judgment. Here you have It:—For violence and oppression and usurpation—a telegram between the President and Governor Parsons, published two years ago. For the desire to repress the power of Congress—the testimony of a would be office seeker went home, and was supposed to have said that the President had use of the government should be in support of those principles. The would be office seeker went home, and was observed to have said that the President and offensive cleventh, and Mr. Manager Stevens thinks if there is nothing in the eleventh article you had better not bother yourselves by looking for anything in the first ten—(laughter)—for he says a county court lawyer could get rid of them. Here is what Mr. Stevens says in the House—"I wish it to be particularly noticed that I intend to offer an amendment, i wish gentlemen to examine and see that this charge is nowhere contained in any of the articles reported, and that if there be sirred disayers, as I know there will be, ead caviffing in thest," (he did not state any certainty of that), "and without this article they do not acquit him, they are greener than I was not acquit him, they are greener than I was in any case I ever undertook before a Court of Quarter Sessions." (Laughter.) Well, now, it will not be very vain in us to thank that perhaps we come up to that estimate on our side of the Quarter Sessions lawyers who would be adequate to dispose of these very vain in us to think that perhaps we come up to teat estimate on our side of the Quarter Sessions lawyers who would be adequate to dispose of these articles, and they were quite right about it. If you cannot get in what is political, and nothing but political, you cannot get hold of anything that is criminal or personal. Now, having parsed irom the general estimate of the lameness and feebleness of the audresses and charges. I begin with the consideration of the article in reference to it, and to the subject matter of which I am disposed to concede there is some proof, and that is as to the speeches. Now, I think that it has been faintly proved here that the speeches charged upon the President, in substance and in general, were made. My first difficulty about them is that they were made in 1806, and that they related to a Congress which has passed out of existence, and that they were the subject of a report of the Judiciary Committee to the House, and which the House voted that it would not impeach. My next difficulty is not that they are crimes against argument, against rhetoric, against tuston of the United States, neither in fiself nor by any subsequent amendment has provided for the government of the people of this country in these regards. Now, it is a new thing in this country to punish any man for making a speech. There are a great many speeches made in this country, and, therefore, cases would undoubtedly have arisen in eighty years of our history where men were punished for making speeches. Indeed, I befieve if there is anything which more particularly marks us to the approval of other nations it is that every man in this country not only has a right to make a speech, but can make a speech and a very good one, and that he does at some time or other actually do so. The very lowest epithet for speech-making in the American republic adopted by the newspapers is "able and eloquent," (Laughter). I have seen applied in the newspapers connector by the newspapers is "able and eloquent."
(Laughter). I have seen applied in the newspapers to the efforts of knorable intanagers, the epithet in advance of "tremendous." (Laughter.) I have seen them spoken of before they were delivered as of iremendous force, and I saw once an accurate, authenical statement of the force of one, and that in advance, that it consisted of 33,000 words. (Laughter.) Therefore a case must have arisen for a question, if there was to be any punishment for speech-making. But now for the first time we begin with the President, and accuse him; we take him before no ordinary court, but we organize a court for the parpose, which court actioning the moment it is over with the trial, furnishing no precedents, and must remove him from onice and order a new election. Now, that is a good deal to turn upon a speech. Only think of tt—to be able to make a speech which world require a new election of President to be made. (Laughter.) Well, if the trial is to take place let the proclamation issue to this speech making people. Let him who is without sins among you cast the first stone. And see how the mation on tiptoe awaits to see who will answer that dainty challenge, who assume that fastidous duty. We see, in addition, the necessary requirement. It must be one who by long discipline has learned to speak within bounds, one whose his would blush at a reproach, whose case would tingle at an invective, and whose eyes would close at an indecorum. It must be one who by strict continence of speech and by control over the tongue—that no report of all as the "first in war, first in the hearts of all his count fymen," who love the wordy mitreplicity. (Europressed laughter.) Well and in the country of the challenge is answered, and it seems that the honorable Manager to whom this duty is assigned is one who who whe he recognized at once in the picture of a speech for we are brought down to that having no two or precedents, because it in the honorable wordy mitreplicity. (Europressed laughter.) Well

"It is the impression of the Chair that these words do not exceed the usual—(aughter)—initiate of debate." (Laughter). Now that is the custom of the tribunal established by the presiding officer. Mr. Sherman, of Ohio, said:—"I think the words objected to are clearly in order. (Loud laughter). I have heard similar remarks fifty times—(continued laughter)—without any point of order being raised." And the Senate canae to a vote, the opposing numbers of which remind me of some votes on evidence which we have had on this trial. The appeal was laid on the table—twenty-nine yeas and ten nays. But that is not all. Proceeding in the same debate, after being allowed to be in order. Mr. Summer goes on with his speech, the eloquence of which I cannot sufficiently compliment, as it would be out of place to do so, but it certainly is of the highest order. Of course I make no criticism. He begins with the announcement of a very good principle. He says, "I shall insist always on complete freedom of debate, and shall exercise it. John Milton in his glorious aspirations said, give me the liberty to know, to utter and to argue freely jabove all liberties. Thank God, now that slave masters have been driven from this court, such is the liberty of American Senators. Of course there can be no citizen of a republic too high for exposure; there can be no one too low for protection. The exposure of the powerful and the protection of the weak—these are not only invaluable liberties, but commanded duties." Now, is there anything in the President's answer that is nobler or more thoroughgoing than that? And if the President is not too high but that it should be not only an invaluable liberty but a command and duty, to call him an enemy of the country are not the liberty of a more thoroughgoing than that? And if the President is not too high but that it should be not only an invaluable liberty but a command seem to the honorable Senator. Then the honorable Senator from Michigan, Mr. Howard, who says:—"The senator from Michigan, Mr. Howard, w the nero of Fore Fisher not taken or of Fort Fisher taken." (Continuous laughter.) Mr. Butter, after some remarks, said, "But if during the war the gentleman from Obio did as much as I did in that direction I shall be glad to recognize that much; but the only victim of the gentleman's prowess that I know of was an innocent woman hung apon the scafold—one Mrs. Surratt—and I can sustain the memory of Fort Fisher if he and his present associates can section in in shedding the blood and convicted without sufficient evidence, in my judgment." Mr. Bangham, with spirit, replied:—"I challenge the gentleman—I dare him, here or any-

subject, something of fritation, something in the subject, something in the manner of the crowd which excused and explained if it did not justify the style of his speeches, and you migat suppose that this interchange of debate which i just read grew out of the same subject, which was irritating, which was in itself savage and ferocious. But what do you think was the subject that these honorable gentlemen were debating upon? Why, it was charity.

A SENATOR—What?

be said that hower belonged to the Executive. That part of his duty was, when he saw that an accident had vacated an office or that necessity required the removal of an incumbent to see that the laws should be executed, and to provide that the public service should be temporarily taken up and carried on, it might be fairly determined that that was caus omissus for which the constitution had provided no rule and which the legislation of Congress might occupy. As early, therefore, as 17s2 provision was made for temporary occupation of an office. The act of 1792 regulating three of the departments provided that temporary absences and disabilities of heads of departments might be thet by appointment of a temporary character to take charge of the offices. The act of 1795 provided that in case of a vacancy in an office there should be power in the Executive which would not require him to fill the office by the consultation method, but temporarily to provide for the discharge of its duties. Before considering the act of 1863, which, in terms, covers to a certain extent but not fully, both of these points, I wish to ask your attention to some circumstances in regard to the passage of that act of 1863. I have said that the eighth section of the act of 1792 provides for the filling, temporarily, of vacancies. In January, 1863, this President sent to Congress this message, and Senators will perceive that it relates to this particular subject:—"I submit to Congress the expediency of extending to other departments of the government the authority conferred on the President by the eighth section of the act of May 18, 1792, to appoint a person temporarily to discharge the duties of Secretary of State, Secretary of the Treasury and Secretary of State, Secretary of the Treasury and Secretary of War, in case of death, absence from the seat of government or sickness." That is to say, the temporary disability provision of the act of 1863, which covered all the departments then mexistence, had never been extended by law to cover the Mr. Evarrs—Charity; a question of charity to the south. That was the whole staple of the debate. "Charity which suffereth all things and is kind." (Laughter.) "Charity envieth not, charity vanneth not need, is not pushed up, dotr not behave itself unseemly, seekth not her own, is not easily provoked, thinketh no evil, rejeiceth not in inequality but rejoiceth in the heareth all things, believeir all things, bopeth all things; charity never fails." But, the apostle adds, what may not be exactly true in regard to the Managers, "tongues may fail." (Laughter.) But now, to be serious. In a free republic, who will tolerate this fanfaronade about speech making? Quistuterit Gracehos de seditione querentes? Who will tolerate public orators' prate about propriety of tuterit Gracelos de sedicone querentes? Who will tolerate public orators' prate about propriety of speech? Why can we not learn that our estimate of others must proceed on general views and not vary according to particular passions and prejudices? When Cromwell in his career through treland, in the name of Parliament, had set himself down before the town of Ross and summoned it to surrender, this Papist community, exhausted in its resistance, asked to surrender only on condition of freedom of conscience. Cromwell replied:—"As to freedom of conscience. I meddle with no man's conscience; but if you mean by that liberty to celebrate the mass, I would have you to understand that in no place where the power of the Parliament of desired to have that act extended. This message having been referred to the Judiciary Committee, the Hon. Senator from Illinois (Mr. Trumbull), chairman of that committee, made I believe a very brief report, in which he says, "There have been several statutes on the subject, and, as the law now exists, the President has authority temporarily to fill the offices of Secretary of State and Secretary of War from one of the other departments, by calling on somebody to discharge the duties. That other department was the Treasury. We have received a communication from the President of the United States asking that the President of the United States asking that the President of the United States asking that the President may temporarily devolve the office upon another Cabinet officer and appoint the chief officer of the department for the time being. There does not seem to have been brought to the notice of the Senate or of the honorable Senator the act of 1795. Nothing is said of it, and it would appear as if the whole of the legislation of 1883 proceeded upon the proposition of extending the act of 1792, of disabilities, and not of vacancies, except that the honorable Senator uses the phrase vacancy," and that he speaks of having provided for the occasions that might arise. Now, the act of 1884 does not cover the case of vacancies, except that the honorable Senator uses the phrase vacancy," and that he speaks of having provided for the occasions that might arise. Now, the act of 1884 does not cover a case of vacancy, and that he speaks of having provided for the occasions that might arise. Now, the act of 1884 does not cover all the cases of vacancy. It does not cover a case of expiration, which he did not ask to have covered, and which did not need to be covered, and which the did not need to be covered, and which did not need to be covered, and which did not need to be covered to the might be seen to th in ho place where he power of the permitted." So the honorable Managers do not complain of freedom of speech, but if any man says that he floure of Representatives is "hanging on the verge of government he power of the two houses of Congress are valle shall that be permitted; although they medite with no man's property or freedom of speech, (Laughber.) He then reterred to the expressions of opinion by Mr. Lefterson on the sedition law, and to the action of the President on the same subject. He also referred to the expression of Mr. Boutwell, characterizing the positions of Cabinet officers as serilike, and article at some length that the President although deficient in riteoric, had said nothing half so shocking to taste and propriety as had been countenanced in the writings and speeches of Managers and others in official position. Continuing Mr. Evarts said—I will now take up the Emery article is an official position. Continuing Mr. Evarts said—I will now take up the Emery article, the same and any article and a governation of conversation between the President and a governation of the president which looked to the use of force. But, under the proofs, what can we say of a but that the President, under an intimation from Secretary Welles that all the officers were being called away from what is doubtless their proper occupation in time of poace—attending on levices—and were being summoned, as they were from the halfs of revery at Berlin to the battle of Waterion, in quited, as if was very natural to implice, when and where was this buttle to take place: The President treated R with great millingenhos-said he did not know about convertions have a summoned, as they were from the halfs of revery at Berlin to the battle of Waterion, in quite, as if we shall have to be more acredit in our pre-liminary early and were said to the convention of the reven not against any any that prohibits it, nor against any law that has a penal clause or a criminal qualification upon the act. What would it be if attempted without authority of the act of 1863, because General Thomas was not an officer under that act? It would seem that the President had appointed an officer, or attempted to appoint him, ad interim without authority of law. There are an abundance of mandatory awas upon the President of the United States. It has never been customary to put a penal clause in them as in the Civil Tenure act. But on this subject of penal appointment there is no penal clause in them as in the Civil Tenure act. But on this subject of penal appointment there is no penal clause in them as in the Civil Tenure act. But on this subject of penal appointment there is no penal clause and no positive prohibition in any sense; but there would be a definite authority in the President to make the appointment. What then would be the effects way General Thomas would not be entitled to discharge the duties. That is all that can be claimed in that regard; but we have insisted, and we do now insist that the act of 1795 was in force; and whether the act of 1796 was or was not is one of those questions of dubious interpretation of a law upon which po officer, however humble or high, can be brought into question for having an opinion one way of the other; and if you proceed upon these articles, if you execute a sentence of removal from office of a President of the United States, you proceed upon an indiction of the highest possible degree of interference with the constitutionally erceted and you will set it either that the act of 1795 was repealed, or apon the basis that there was a doubt, or a difficulty, or an interreg upon which the Presidents functions, when we seek to apply the process of impeachment and removal to a question whether an act of Congress not repealed permitted him to be removed. You certainly do not in the ordinary affects of his right and require popular pages in the place assigned t

times of public danger; but the idea that a law intended to prevent rebels of the South, or the rebel sympathizers, as they were called, in the North from intimidating officers in the discharge of their public duty should be wrested to an indictment and trial of a Fresident of the United States and of an officer of the army on account of a written arrangement of orders to take possession of and to administer one of the departments of the government against the law, is wresting the statute wholly from its application, where he says, "a statute against herting blood in the street can properly support an indictment against a surgeon for tapping the vein of an aplophectic patient who happened to have fallen on the sidewalk." And there is no greater provision and contrariety in this effort to make this statute applicable to ordinary and regular proceedings between recognized officials of the United States in the disposition of an office than there would be in punishing the surgeon for releving the apoplectic patient. I could not fully understand, though i carefully attended to it, the point of the argument of the earned Manager, Mr. Boutwell, which brought into view the common law of Maryiand as adopted by Congress for the government of domestic and ordinary affairs of the people of this District. It cannot be supposed that the President of the United States in determining whathis powers and duties were in regard to giving office, should have looked into the common law of the popularities let us see what the evidence is. There was no preparation or application of force. It was no threat of force authorized on the part of the President, and there was no expectation of force. For he expected and desired nothing smore and nothing less than that by the peaceful and regular exercise of authority on his part the office would be surreadered. If disappointed in that, all that the President desired or expected was that on that legal basis thus furnished by his official action there should be an opportunity for taking the pac yield to a motion to adjourn if desired; and of motion of Senator Headerson the court was adjourned, and immediately thereafter the

Eminently brilliant and more than eminently pleasmg and satisfactory to the members of the Alpha nniversary. These concluding exercises came in the shape of a dinner, got up in Deimonico's best style. The company, numbering some 250 members of the Society, were promptly seated at six P. M., the appointed hour of the dinner. It was after midnight when the company rose, but it was six hours of genuine feast of reason and flow of soul. The fol-lowing were the regular toasts and names of the various respondents. various respondents:—
Our Anniversary—Commemorated with pride

various respondents:—
Our Anniversary—Commemorated with pride as each recurrence of the day witnesses the growth of the Society and adds new names to the list of her distinguished sons. Responded to by Everett E. Winceler.

The Memory of Samuel Eells—About whose name cluster recollections of tender personal friendship with some, and with all who learn his true character respect and reverence. Drank in silence.

The Union—In its conception as beautiful as the constellations in the sky; in its influence as benign as a summer's day; in its duration, based on justice and the affections of the people, as firm as the everlasting hills. Responded to by John Jay.

The City of New York—Cosmopolitan and imperial, in no respect more notable than for its gathering representatives from all the schools of learning in the land. Responded to by Professor Theo. W. Dwight, LL.D.

The Poet and Orator of the Day—The melodious fancy of the one, the soaring thought of the other

LL.D.

The Poet and Orator of the Day—The melodious fancy of the one, the soaring thought of the other have given litting voice to the alms and ideas of our Society. Responded to by George William Curtis.

College Memories and Friendships—To-night, under their magic spell, our hearts warm and our eyes moisten. Responded to by Algernon S. Sullivan.

The Press—The voice of the people; when loyal to truth, to virtue and to freedom, it is no other than the voice of God. Responded to by David W. Judd. Literature and Rehgion—The constellated beauty and glory of the nation. Responded to by David W. Judd. Literature and Rehgion—The constellated beauty and glory of the nation. Responded to by the Rev. O. B. Frothingham.

Progress—The watchword of every true American, the birth of Alpha Deita Phi, has given it no unimportant impulse. Responded to by the Rev. Joseph P. Thompson, D. D.

The Army and Navy of the United States—The last result of civilization; a rank and nie of concated men, charging with thinking bayonets. What foreign phalanx can pierce their centre, though armed with needle gaus? Responded to by Erigadier General H. E. Tremain.

The Bench and Bar—Of Law no less can be said than that her scat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as iching her care, the greatest as not exempted from her power. Responded to by Joseph H. Caoate.

Woman—The crescent, the star and the crown of every true Alpha Deita. We may see the mannismuttae, but she is the cor unum. Responded to by Donald G. Mitchell made their responses by letters, written not only pertinent to their responses by letters, written not only pertinent to their responses by letters, written not only pertinent to their responses by letters, written not only pertinent to their responses by letters, written not only pertinent to their responses by letters, written not only pertinent to their responses by letters, written not only pertinent.

he can during the recess commission by authority to expire with the next session. But ad interim appoint ments do not rest upon the constitution at all. They

providing for the management of the duties of an office before at appointment is or can properly be made. Now, in the absence of legislation, it must

be said that that power belonged to the Executive. That part of his duty was, when he saw that an accident had vacated an office or that necessity re-

EPISCOPAL CITY MISSON.

A meeting of the friends of the Episcopai City Mission for the election of officers was mid last evening at Calvary chapel, in Fourth avenue. The Rev. Dr Peters presided, and the annual report was read,

at calvary chapel, in Fourth avenue. The Rev. Dr. Peters presided, and the annual report was read. In this report is was stated that forty thousand persons had been visited in the course of the year, seven chergymen being now in the employ of the society, which has during the past year organized a regular circuit out of the various prisons, hospitals and institutions of correction throughout the city. Several sanday schools have also been organized during the year in the most poverty-stricken districts of New York, and generally, though exceedingly quiet in its workings, the society has accomplished more than many noisier.

The following is the list of officers elected to serve during the coming year:—Right Rev. Horatio Potter, D. D., &c., President, exception; First Cherical Vice President, Rev. H. E. Monigomery, D. D.; Second Clerical Vice President, W. F. Morgan, D. D.; First Lay Vice President, Mr. F. S. Winston; Secretary, Albert McNully, Jr.; Treasurer, Wim. K. Kitchen, Executive Committee—Rev. T. M. Peters, D. D., Rev. E. A. Washburn, D. D., Rev. Thos, Gammaos, D. D., Rev. C. J. Geer, D. D., Rev. H. C. Potter, D. D., Messis, Wim. Alex. Smith, R. A. McCurdy, R. S. Holt, Pilby F. Smith, B. C. Morris, Jr., Thos. Egleston, James W. Libot, M. D., Geo, R. Schieffelin, Wim. B. Clerke, H. A. Henderson, M. D., H. C. Van Post and Adam T. Sackett.

Annual Meeting of the Brooklyn Vacht Club. The tenth annual meeting of this spirited aquatic organization was held at the rooms of the club on newed friendship, wherein the prospects of the rap idly approaching yachting season were freely dis

A man named John F. Brown, residing in Jersey City, while in a saloon in Houston street, near Broadway, last night, about twelve o'clock, began to "benter" a girl of ill fame who happened to be in the

STRIKE AT THE GLENHAM WOOLLEN MILLS.

The Glenham woollen mills, in Dutchess county, N. Y., have stopped work owing to a strike of the weavers, mostly females. These refuse to return to work unless the reduction of ten per cent taken from their wages hast winter be restored. The proprietors state that they ran the mill last year at a loss in order to keep the operatives together, and that the prospects of profit this year are no better than lastfand they consequently refuse to restore the ten per cent reduction. There is a strong prospect that the mills will soon commence and continue to ron until the unfinished work on hand is completed, and that then they will stop from three to six months for repairs.

THE CAPTURE OF J. WILKES BOOTH.-The Fredericksburg (Va.) Herold publishes a statement, signed by Richard H. Garrett, of Caroline, giving a succinct account of the manner in which Booth was captured in Mr. Garrett's tobacco house on the 23d April, 1865. We find nothing of importance in it in addition to the voluminous testimony on the subject

On Wednesday last George Cordon, a seaman, murdered George Harvey, chief officer of the bark Galveston, now in port at Key West, Fla.

A man named Columbus Adams was killed and another man seriously injured in Boston yesterday

by the failing of a staging in Lowell street. A strange man, apparently an Irishman and a laborer, supposed to be named Michael Ryne, and to be a resident of Greenville, Pa., arrived on the train at Burfalo yesterfay afternoon in a dying conflition. He was unable to speak and died at nine o'clock last

At an election yesterday in Memphis. Tenn., to decide whether the city should issue \$1,000,000 in bonds, due in twenty and thirty years, in order to fund the city debt, the majority in favor of the issue was about 600.

The Boston Ancient and Honorable Artiflery recently addressed an invitation to the Rev. Henry ward Beecher to deliver the shaund election setmon of the erganization. Mr. Beecher has returned an answer accepting the invitation.

Jone H. Surrai's triai in fixed for May 12.

John H. Surratt's trial in fixed for May 12.

POUGHKEEPSIE, April 30, 1868.